

Office of County Counsel ***2006 – 2007 Business Plan***



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PREPARED BY THE
OFFICE OF

**COUNTY COUNSEL
COUNTY OF ORANGE**

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MISSION OF THE COUNTY COUNSEL:

**To provide the highest quality legal advice and representation to the Board of Supervisors,
elected and appointed department heads, County agencies/departments and staff,
and Board-governed special districts.**

OFFICE OF COUNTY COUNSEL

2006 –2007 BUSINESS PLAN

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SECTION I. EXECUTIVE SUMMARY

MISSION AND GOALS

The mission of County Counsel is to provide the highest quality legal advice and representation to the Board of Supervisors, elected and appointed department heads, County agencies/departments and staff, and Board-governed special districts.

Our primary goals and ultimate objectives may be stated as follows:

Ensure that actions taken by client agencies based on County Counsel advice are not challenged in court, or if challenged, are sustained.

Ensure that litigation undertaken by the County Counsel on behalf of client agencies is concluded in a manner satisfactory to the client, and in the best interest of the County.

VALUE OF THE OFFICE OF COUNTY COUNSEL

County Counsel acts as “in-house” counsel. All County agencies and departments receive County Counsel’s services. However, our primary client is the Board of Supervisors. With the exception of core functions of elected officers, services are rendered to other County officers and employees because of their status as agents of the Board. County Counsel also provides legal services to some independent local public entities such as the Grand Jury and the Airport Land Use Commission.

The principal values provided by the Office of County Counsel are the reliability and predictability we bring to the actions of County government. By interpreting the law for client officers and agencies, the Office enables them to reach their objectives in accordance with state and federal law, thereby avoiding, to the extent possible, challenge and confusion. When County actions are challenged in court, the Office defends the County against the lawsuits. The County Counsel may also be directed to bring lawsuits to effectuate the objectives of the County.

The scope of the County Counsel’s practice is extremely broad. From the airport to zoning, there is not a single important issue of law or public policy facing the County of Orange that does not receive some level of scrutiny by County Counsel. Advice is rendered on matters of great importance to the operation of County government in areas relating to labor and employment issues, purchasing contracts, real estate transactions, public works projects, and matters of great interest to public officials and the public at large, including public records, public meeting laws, and ethics in government.

The expertise of County Counsel lawyers has significantly expanded because laws governing the services the County delivers have grown more complex. Attorneys practicing in the Office specialize in aviation, property tax, health, public safety, welfare reform, child welfare, mental health, jail operations, law enforcement, land use, civil rights, civil litigation, environmental protection, waste management, flood control, water quality, public finance, public accounting, election, and budget issues.

County Counsel is dedicated to the principle that thoughtful, credible and ethical legal services lead to fewer lawsuits, lower liability costs, better services and better County government. As members of the County community, the Office of County Counsel is proud of the work we do as the County's lawyer.

MEASURING VALUE

The value of County Counsel services is measured by how well the Office assists clients to meet their objectives.

County Counsel is a support organization. Our work is client-driven, and we have no independent objectives other than providing legal services to our client departments and agencies based on their legal needs. For these reasons, the Office measures success primarily through feedback from clients. This feedback is obtained both informally through frequent contacts with clients, and formally through a Quality Assurance Program consisting of written questionnaires and personal interviews with department heads and top department management.

CHALLENGES

The greatest single challenge facing the Office of County Counsel is maintaining the depth and flexibility necessary to respond to the unpredictable – the fluctuating demands of our clients and the random unfolding of economic and political events. To this end, County Counsel has implemented a plan to develop a cadre of attorneys with broad cross-training and experience, so the Office can:

- In the short term, form the *ad hoc* teams necessary to meet our clients' changing needs;
- In the long term, cushion the experience-loss that would otherwise be caused by retirement of long-term personnel. See the Growth Opportunity Plan detailed in Section III, Operational Plan.

Since attorney services are County Counsel's "product," our primary resource is staff. Ninety percent of the Office's financial resources are allocated to salaries and employee benefits. Having sufficient attorney resources to meet our clients' growing need for legal services is our single greatest challenge. This is especially critical in the current economic climate where departments and agencies facing their own budget crises will need more, not less, sound legal advice and representation. Challenges related to our need for resources include: limited areas of opportunity for reducing operating costs; realization of estimated revenue and cost application; unpredictability of a client-driven workload; and limited general fund resources.

The Office has aggressively engaged staff in identifying any and all possible cost savings that do not compromise our ability to provide our current level of service. This includes careful timekeeping to capture billable time and identification of other revenue sources. Economy also involves maximizing the value of work performed. To this end, County Counsel is involved in two ongoing programs to make its work product more available and more useful to County employees: a training program for County employees, and the continued updating of the Intranet web site.

See Section III, Operational Plan for information regarding the Law Awareness Workshop Program and County Counsel Intranet resources.

OVERALL STRATEGIC APPROACH

Basically, law is still practiced as it has always been, trained people applying legal principles and professional judgment to specific facts. In the practice of law, **people are the principal resource**. Therefore, since our first business plan, County Counsel has concentrated on making our employees more productive by (a) providing them with superior training; (b) providing them with advanced technological tools; and (c) improving their communications with client agencies.

This overall strategy has proved effective. For example, using this strategy in 2005, the Office was able to:

- Shift attorney resources to meet demands in the areas of Human Resources/Employee Relations, mental health jury trials, the Voting Rights Act and Sheriff litigation.

- Provide significantly increased legal support to Human Resources for pension and employee benefits issues.

- Provide substantial training for clients and County employees.

- Investigate and respond to *qui tam* actions filed on behalf of the County

Consequently, the 2006-2007 Business Plan will continue this overall strategic approach.

SECTION II. MISSION AND GOALS

MISSION OF THE COUNTY COUNSEL: To provide the highest quality legal advice and representation to the Board of Supervisors, elected and appointed department heads, County agencies/departments and staff, and Board-governed special districts.

GOALS

County Counsel is solely a support agency. Our operations are in response to the needs of clients, which complicates the planning process, since we cannot control the sometimes shifting legal needs of our clients. Therefore, County Counsel's ultimate objectives may be stated as follows:

Respond promptly and effectively to requests from our client agencies for legal services and advice.

Ensure that actions taken by client agencies based on the Office's advice are not challenged or, if challenged, are sustained.

Ensure that litigation undertaken by the Office on behalf of client agencies is concluded in a manner satisfactory to the client.

"Success" in attaining these objectives is measured by the lawful achievement of our clients' program objectives, and the successful enforcement or defense of their program actions.

SPECIFIC STRATEGIC GOALS

Goal #1: Provide highly competent legal advice to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with high ethical and professional standards.

Goal #2: Effectively prosecute and defend civil actions in which clients are involved.

Goal # 3: Deliver all legal services to clients as efficiently and economically as possible.

KEY OUTCOME INDICATORS

Goal #1: Provide highly competent legal advice to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with high ethical and professional standards.

Key Outcome Indicators:

Percentage of clients rating advisory support as satisfactory or better in terms of quality and responsiveness.

Percentage of written opinions challenged in court or administrative proceedings.

Percentage of challenged written opinions that are upheld.

Goal # 2: Effectively prosecute and defend civil actions in which clients are involved.

Key Outcome Indicators:

Percentage of clients rating litigation support as satisfactory or better in terms of quality and responsiveness.

Percentage of dependency cases upheld on appeal.

Percentage of mental health cases won or resolved with approval of client.

Percentage of general litigation cases won or resolved with approval of client.

Goal #3: Deliver all legal services to clients as efficiently and economically as possible.

Key Outcome Indicators:

Percentage of client requests for legal advice responded to within 30 days.

Percentage of clients rating advisory and litigation services as satisfactory or better in terms of timeliness.

KEY OUTCOME INDICATOR REPORTING

PERFORMANCE MEASURE	2004-05 Business Plan Results	2005-06 Business Plan	2005-06 Anticipated Results	2006-07 Business Plan	How are we doing?
<u>Percentage of clients rating Advisory Support as satisfactory in terms of quality & responsiveness.</u> <u>What:</u> Measurement of quality and effectiveness of services provided. <u>Why:</u> Client satisfaction is the primary measure of success for a service agency.	93% based on 2004 survey results.	Continue to be rated as in 2004-05 or better	Same as 2004-05	Same	Based on survey results and ongoing dialogue with clients, County Counsel is doing well in the area of providing satisfactory advisory legal services in terms of quality and responsiveness.
<u>Percentage of clients rating Advisory & Litigation services as satisfactory in terms of timeliness.</u> <u>What:</u> Measurement of timeliness of services provided. <u>Why:</u> Client satisfaction is the primary measure of success for a service agency.	93% based on 2004 survey results.	Be rated as satisfactory by 100% of clients in terms of timeliness	Same as 2004-05	Same	Based on survey results and ongoing dialogue with clients, County Counsel is doing well in the area of providing satisfactory litigation services in terms of quality and responsiveness.
<u>Percentage of Written Opinions challenged in court or administrative proceedings.</u> <u>What:</u> Measurement of the quality of legal advice. <u>Why:</u> Provides measure of quality of services provided.	Two opinions were challenged.	Maintain 5% or less	Same as 2004-05	Same	County Counsel is doing very well in producing quality written opinions that stand up to legal scrutiny.
<u>Percentage of Written Opinions that are upheld.</u> <u>What:</u> Measurement of the quality of legal advice. <u>Why:</u> Provides measure of quality of services provided.	The two opinions that were challenged were upheld	Maintain 90% or better rate of success	Same as 2004-05	Same	County Counsel is doing very well in producing quality written opinions that stand up to judicial review.
<u>Percentage of clients rating Litigation Support as satisfactory in terms of quality & responsiveness.</u> <u>What:</u> Measurement of quality and effectiveness of services provided. <u>Why:</u> Client satisfaction is the primary measure of success for a service agency.	91% based on 2004 survey results.	Continue to be rated as in 2003-04 or better	Same as 2004-05	Same	Based on survey results and ongoing dialogue with clients, County Counsel is doing well in the area of providing satisfactory litigation services in terms of quality & responsiveness.

PERFORMANCE MEASURE	2004-05 Business Plan Results	2005-06 Business Plan	2005-06 Anticipated Results	2006-07 Business Plan	How are we doing?
<u>Percentage of dependency cases upheld on appeal.</u> <u>What:</u> Measurement of the quality of services provided by County Counsel. <u>Why:</u> Provides measure of quality and effectiveness of services provided.	The percentage of cases upheld on appeal is over 90%. Indian Child Welfare Act (ICWA) reversals were reduced 72%, and the number of published cases was reduced 25%.	Maintain 90% or better rate of success	Same as 2004-05	Same	Very well
<u>Percentage of Mental Health cases won or resolved with approval of client.</u> <u>What:</u> Measurement of the quality of services provided by County Counsel. <u>Why:</u> Measure of the quality of services provided by County Counsel.	90% won or resolved	Maintain 90% or better rate of success	Same as 2004-05	Same	Very well
<u>Percentage of General Litigation Cases won or resolved with approval of client.</u> <u>What:</u> Measurement of the quality of services provided by County Counsel. <u>Why:</u> Provides measure of quality and effectiveness of services provided.	Estimated to be 90% - 95%.	Maintain 90% or better rate of success	Same as 2004-05	Same	Very well
<u>Percentage of client requests for legal advice responded to within 30 days.</u> <u>What:</u> Measurement of the timeliness and effectiveness of services provided. <u>Why:</u> Provides measure of quality and effectiveness of services provided.	Number of formal opinion requests still outstanding after 30 days is 20 requests, compared to baseline of over 200 opinion requests still outstanding after 30 days in 1998. (This figure is 10% of the 1998 baseline, and represents a 68% decrease in outstanding opinion requests since 2002.)	Maintain “30 day inventory” at 15% or less of 1998 baseline	Maintain backlog of less than 15%	Same	Opinion backlog has been reduced below target level

Note: Responses reporting less than full satisfaction emphasized two areas: “Responsiveness” and “Timely Completion of Requested Service.” Client agencies uniformly attribute these ratings to too few attorneys, rather than lack of effort. One agency’s comments are typical: “This score reflects the Agency’s increasing need for legal support rather than a lack of responsiveness from the currently assigned attorneys.”

SECTION III. OPERATIONAL PLAN

CLIENTS

Clients Served Directly:

The County Counsel's Office renders legal services to the Board of Supervisors as the ultimate client, and to all County departments and agencies. In addition, the Office provides services to the Grand Jury, the Airport Land Use Commission, and various advisory and oversight committees governed by the Board of Supervisors. Assistance is rendered to client agencies and departments that deal with the public. However, the Office does not provide legal services directly to members of the public.

The Office has 63 attorneys. On the average day, if you took a snapshot, this is how many attorneys you would find working for each client agency.

DEPARTMENT	ATTORNEYS
SOCIAL SERVICES AGENCY (DEPENDENCY)	19
PUBLIC ADMINISTRATOR/ GUARDIAN	8
RESOURCES DEVELOPMENT MANAGEMENT DEPARTMENT	6
SOCIAL SERVICES AGENCY (ADVICE AND LITIGATION) *	2
SHERIFF - CORONER DEPARTMENT	5.5
HEALTH CARE AGENCY **	4
ASSESSOR DEPARTMENT	1.5
BOARD OF SUPERVISORS	1.5
HUMAN RESOURCES AND EMPLOYEE RELATIONS	3
CLERK OF THE BOARD	.5
CEO	2

DEPARTMENT	ATTORNEYS
JOHN WAYNE AIRPORT	2
AUDITOR-CONTROLLER DEPARTMENT	.5
INTEGRATED WASTE MANAGEMENT	1
HOUSING AND COMMUNITY SERVICES AGENCY	1
PROBATION DEPARTMENT	1
TREASURER – TAX COLLECTOR	1
REGISTRATION & ELECTIONS	1
CLERK RECORDER	.5
ASSESSMENT APPEALS BOARD	.5
GRAND JURY	.5
ALL OTHER CLIENTS	1

* Other than Dependency

**** Other than PA/PG. Includes Special Education.**
Indirect Beneficiaries:

The areas of Juvenile Court and Probate/Mental Health have grown to constitute over 40 percent of the Office's workload. This portion of the practice serves a County population with specialized needs. The issues in each of these areas have significant ramifications on individual's lives and routinely include abuse, disability, mental health, and death. Service beneficiaries and their respective families can best be characterized as being in highly traumatic, difficult, and emotional situations.

In Juvenile Court, County Counsel represents the Social Services Agency in a variety of dependency hearings, including hearings to determine whether a legal guardian should be appointed, or whether children should be freed for adoption. There are 3,800 children under the jurisdiction of the Juvenile Court as dependents at any particular point in time. Each child's case comes before the Court for a hearing at least twice each year.

In the area of Probate/Mental Health, County Counsel represents the Public Administrator/Public Guardian (PA/PG) in court and as advisory counsel. The 1,700 individuals served by the PA/PG are among the most vulnerable in the community for whom no other alternative is feasible. These include the mentally ill who might endanger themselves or the community, the elderly and frail who are subject to exploitation, and the heirs of decedents' estates who have seen their inheritances mismanaged.

CHALLENGES AND RESOURCES

Legal services are County Counsel's "product." **People are County Counsel's most important resource.** Our single greatest challenge is having sufficient and specialized attorney and support resources to meet our clients' growing and increasingly complex needs.

Staffing Levels:

Prediction of future personnel requirements to support our clients is an inherently inexact process. The five-year strategic plan calls for the long-term addition of five positions, one of which is expected to be cost offset. The five positions are:

- 1 Attorney (Human Resources) to meet increased client service demand
- 1 Attorney (Advisory & Purchasing) to meet increased client service demand
- 1 Attorney (Dependency Appeals) to restore client requested level of service

- 2 Clerical Support staff

Law Practice Trends:

In the past decade there has been a shift in the skill mix required in the practice of law. Highly specialized professionals have replaced the generalist lawyer. Attorneys in the County Counsel's Office

have always been specialists in public law.

In recent years, both County Counsel advisory and litigation attorneys have followed the general trend towards specialization in substantive areas of practice. Developing and maintaining this high level of legal expertise presents a continuing challenge for the Office.

Advisory attorneys typically provide highly specialized legal services to elected officials, one or more major departments such as the Social Services Agency, the Health Care Agency, Sheriff-Coroner, Probation, Public Facilities and Resources Department and the CEO, as well as smaller departments. General litigation attorneys are focusing their practice on subjects identified with specific departments, including the Treasurer-Tax Collector and the Assessor, the Orange County Flood Control District, Public Facilities and Resources Department, Planning and Development Services Department and CEO/Human Resources. Attorneys working in the Juvenile Dependency and Mental Health/Probate Sections are likewise engaged in highly specialized areas of the law and are physically located in two outlying locations. Moreover, County Counsel attorneys are being called upon not only to provide general legal advice and representation, but also to become more involved in transactional services and client training.

Specialization is essential to providing timely, comprehensive legal services, and minimizing the cost of retaining outside counsel. However, with the advantages of specialization come organizational challenges, such as: 1) ensuring that there is sufficient ongoing legal training to minimize the disruption to client services related to changing client needs, attorney vacancies and assignment changes; and 2) maintaining a corporate perspective among attorneys working at different locations. The Office is working towards developing a staffing model that will meet the clients' needs for highly specialized legal services, while ensuring that attorneys have an opportunity to rotate through assignments in the main and outlying offices.

Use of Outside Counsel

The use of outside counsel to meet specialized, temporary, or unprogrammed needs has been increasing. The Office continually evaluates workload distribution through the review of timesheets, supervisory oversight, and client input. County Counsel will continue to search for ways to reduce the use of expensive outside counsel.

Budgetary Challenges

County Counsel faces four significant financial challenges:

1. Limited areas of opportunity for reducing operating costs: Although 90% of the budget is for salaries and employee benefits, and largely out of the Office's control, the Office aggressively seeks opportunities, the majority of which are small, to save or avoid expenditures for services and supplies. We are likewise committed to maintaining an environment where employees are encouraged to identify cost savings and efficiencies.

2. Realization of estimated revenue and cost application: During FY 2004-2005, billings for legal services generated revenue in the amount of \$1,560,206 and cost application to the General Fund departments in the amount of \$5,366,742. This represents approximately 50% of our appropriations budget.
We use a daily timekeeping system that captures attorney time in 15-minute increments in order to realize all cost apply/revenue that is appropriate, and we continually seek cost recovery opportunities whenever feasible.
3. Client-driven Workload: Office workload is driven by client demand, variations in number and complexity of cases filed by those suing the County and legislative changes. Many of the most complex and time-consuming projects do not produce revenue. Client departments that utilize a large amount of County Counsel resources, yet provide little or no revenue include the Sheriff's Probation and Public Administrator/Public Guardian departments and the County Executive Office and Human Resources. As the need for legal services for these and other general fund departments continues to increase, the alternatives will be to add attorneys using general fund monies, to reduce the scope and level of legal services or to delay delivery of services.
4. Impact of Increased Retirements: Effective July 1, 2005, employees of the County Counsel's office (all of whom are general members of the Retirement System) were subject to the new "2.7 percent at 55" formula for calculating retirement benefits. The availability of this improved retirement benefit resulted in an increased number of employee retirements during the 2005-06 fiscal year. One of the challenges facing this office is the replacement of experienced employees who retire. Some of these departing employees were entitled to substantial lump sum payoffs for accrued vacation and sick leave, or annual leave. This created a significant financial burden for the office in FY 05-06.

In addition, the department was required to absorb the increased cost of employer contributions to the new retirement program.

STRATEGIES

County Counsel has adopted an operational model that (1) utilizes quality assurance initiatives designed to assess the quality of the legal services delivered and the anticipated future needs of clients, (2) allows for flexibility in responding to client needs by providing for ad hoc team building, (3) maximizes the available talent pool, and (4) makes work product available and useful to the maximum number of County employees.

QUALITY ASSURANCE INITIATIVES: The Office's quality assurance program is designed to accomplish three operational objectives: (1) obtain feedback on how well County Counsel is meeting client needs; (2) develop methods for the improvement of delivery of services; and (3) obtain data regarding anticipated changes in the service needs of clients.

Client surveys and meetings are conducted on a regularly scheduled basis. Formal evaluation protocols are being used in selected juvenile dependency appellate cases and will be developed for General Litigation, Probate/Mental Health and Dependency Trials over the next year. These processes are designed to evaluate and improve the quality of delivery of services and assist clients in developing sound business practices based on past experience.

Regular communication with clients is essential for planning to meet future legal service needs.

Early identification of client needs allows the Office to evaluate the efficacy of developing in-house expertise, move resources, train attorneys, and plan for support staffing versus seeking outside retained counsel. With limited financial resources, early assessment of client needs helps to ensure high quality, effective and economical legal services.

AD HOC TEAM BUILDING: County Counsel's operational model (internal team building) provides for the rapid assembly of ad hoc teams of lawyers with differing areas of legal expertise bearing on the "crisis de jour" so that quality legal services can continue to be delivered in a timely manner. Most recently, this approach was utilized to meet the sharp increase in the number of mental health jury trials, and an increased litigation workload in the jail (*Stewart v. Gates*) litigation and the areas of eminent domain and flood control work.

GROWTH OPPORTUNITY PROGRAM: County Counsel believes that attorneys in the office should have the opportunity to develop the skills necessary to advance to management roles, and to demonstrate their readiness to do so. This program is intended to develop a pool of middle managers who have a broad exposure to County-wide structure and operation that will make them strong candidates for advancement to upper management. It will provide opportunities for middle managers to:

- Learn the structure of County government
- Participate in a higher level of County operations
- Gain exposure to a variety of practice areas
- Participate in management and leadership functions of the Office
- Take risks under close supervision of senior management personnel
- Demonstrate ability and fitness for promotion

The program requires one-on-one linkage between a mentor and participating middle manager. The mentor is required to seek out and encourage participation by the linked middle manager, help the middle manager develop an individual program, facilitate the execution of the program, and document results in the middle manager's personnel file. Typical individual programs might include:

- Participating in preparation of Board Agenda(s)
- Drafting opinions in areas of County-wide significance
- Teaming with another attorney to litigate a case of County-wide significance
- Participating in the Office Quality Assurance Program
- Developing / implementing / improving an office-wide system or program
- Participating in HR actions (reclassifications, recruitment)
- Spending a six-month rotation in a different assignment
- Participating in the development of the Office Business Plan
- Participating in the development of the Office budget
- Taking a leadership role in a practice area
- Participating in the development of Office policies and procedures

RESOURCE AVAILABILITY:

In order to make the County Counsel's work product more available and more useful to County employees, the Office initiated three communication avenues.

- ***Training for client agencies***, resulting in the office presenting 62 separate training sessions in 2005, presented to employees of various County departments or the County as a whole. The training sessions run from at least one hour in length to as much as six hours. See schedule in Appendix E, Accomplishments.
- ***Law Awareness Workshops for all County employees*** – an annualized series of training sessions presented by the County Counsel's Office, designed to inform and educate County employees about legal topics especially pertinent to the everyday operation of local government. Topics include the County Gift Ban Ordinance, Conflict of Interest, and Public Records. See the schedule for 2006 in Appendix E, Accomplishments.
- ***The County Counsel Intranet Website***, designed to make legal resources more available to County employees. The site contains resources such as the Supervisors Desk Book and links to legal resources, including the written materials from previous Law Awareness Workshops.

TECHNOLOGY:

County Counsel's use of technology has changed the way attorneys perform their legal business and research, with resultant increases in efficiency and productivity. Examples include: On-line research, downloading of text and legal citations, use of on-line legal forms, desktop faxing capability, imaging of bankruptcy and opinion files, management of cases and case files, and document transmittal and editing.

The increased production of opinions and other written legal advice without adding additional attorneys, reduction in time required to handle routine litigation, and faster turn-around on reviewed documents illustrate some of the successes the Office has realized by using technology.

County Counsel has hardware and software that allows attorneys and administrators to access the complete office network from remote locations. All of the Office's resources are available when these individuals are working from home, the courthouse, or "on the road," while maintaining the confidentiality of work product.

The Office uses electronic timekeeping. The resultant database improves revenue recovery, while reducing the workload for payroll preparation. Reports generated from the database provide management with "real time" analysis of workload and trends.

Specific Strategies for 2006-2007

Goal #1: Provide highly competent legal advice and representation to clients on matters related to their public duties and responsibilities in the administration of the public's business, in accordance with the highest ethical and professional standards.

Operational Plan:

STRATEGY	TARGET DATES
Develop new attorney competencies through basic training programs in public law.	Repeat cycle for 2006-07.
Continue Minimum Continuing Legal Education training for all attorneys, with emphasis on topics specific to County Counsel.	Continue training sessions during 2006-07.
Continue Law Awareness Workshops for County employees.	Continue training sessions during 2006-07.
Continue expanded training for client agencies.	Provide at least 60 hours during 2006-07

Goal # 2: Effectively prosecute and defend civil actions.

Operational Plan:

STRATEGY	TARGET DATES
Develop protocol for joint review of completed litigation and other significant legal matters.	By June 30, 2006, complete collection of data from client agencies as part of annual Quality Assurance Survey.

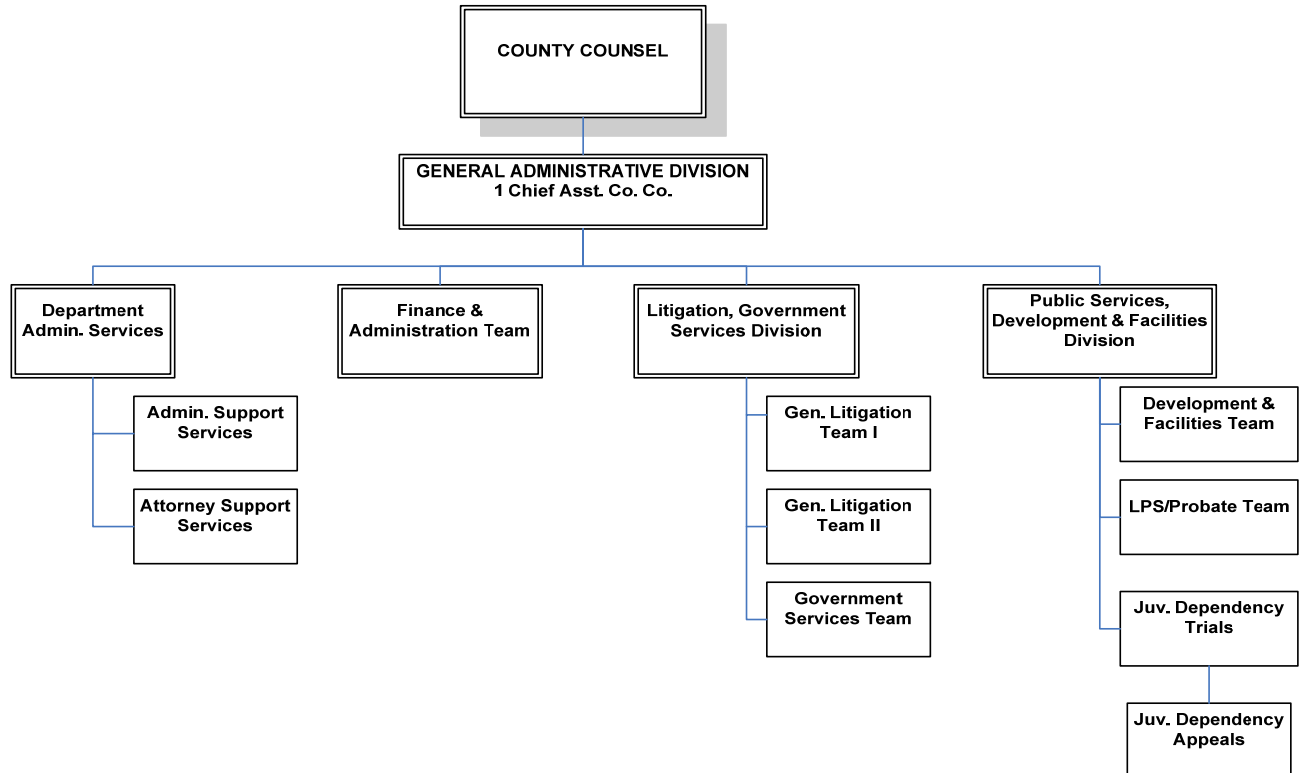
Goal #3: Deliver all legal services as efficiently and economically as possible.

Operational Plan:

STRATEGY	TARGET DATES
Conduct formal survey of clients.	Complete paper survey by March 15, 2006. Complete in-person survey by May 20, 2006.
Develop and implement program to ensure standards of computer literacy.	Introduce Microsoft Office 2003 on all personal computers by June 30, 2006.
Develop global system for case management, document creation, storage and retrieval.	Complete transition to new case management system by June 30, 2006.

SECTION IV. APPENDICES

APPENDIX A. ORGANIZATION AND FUNCTION



The Office of County Counsel is charged with providing civil legal services to County government, e.g., defending and prosecuting litigation, advising the Board of Supervisors, and providing written opinions to County and district officers on matters pertaining to their duties. The Office, as provided by the Government Code, was created on September 16, 1941, by Ordinance No. 432. The majority of County Counsel's functions is defined and mandated by California statutes, County ordinances, Board Resolutions, Board policy and case law.

Organization:

The organization of the Office is consistent with its mission and objectives. It places increased emphasis on strategic business and financial planning; increased breadth and depth of legal services required by the Board of Supervisors, the County Executive Officer, and County agencies and departments; increasing number of complex and costly litigation cases (e.g.); and legislative actions that change the business of various agencies/departments (e.g., social welfare reform, HIPAA).

The benefits of the organization include: delegation and consolidation of responsibility for administrative and operational functions; improved focus for the management and delivery of the litigation services and advisory services; backup for critical management positions; improved continuity planning; improved management recruitment and retention; and County Counsel authority to hire, discharge and reduce executive managers “at will” to effectuate departmental management goals and policies.

The Office of County Counsel now consists of three Divisions: General Administration; Litigation, Government Services; and Public Services, Development and Facilities. Each of the three divisions is managed by an executive manager. The County Counsel appoints one of the executive managers to serve as Chief Assistant County Counsel.

The General Administration Division consists of two teams: the Finance & Administrative Team and the Office’s Administrative Services Team. These sections are managed by a Deputy County Counsel V and an Administrative Manager, respectively, who report directly to the Chief Assistant County Counsel.

The Litigation, Government Services Division, under the management of a Senior Assistant County Counsel, consists of three attorney teams: General Litigation I; General Litigation II; and Government Services. Each of these attorney teams is managed by a Deputy County Counsel V, who reports directly to the Senior Assistant County Counsel.

The Public Services, Development and Facilities Division, under the management of a Senior Assistant County Counsel, consists of three attorney teams: Development and Facilities; Juvenile Dependency Trials and Appeals; and LPS/Probate. Both the Development and Facilities and Juvenile Dependency Trials and Appeals teams are managed by a Deputy County Counsel V, who reports directly to the Senior Assistant County Counsel. The Juvenile Dependency Appeals Team is under the direction of a Senior Deputy Attorney and is part of the Juvenile Dependency Team organization. The LPS/Probate Team is under the direction of a Senior Deputy Attorney, who reports directly to the Senior Assistant County Counsel.

Advisory Services: The Finance/Administration, Development and Facilities, and Government Services Teams generally provide advisory services. The primary responsibility of these teams is the rendition of legal opinions as mandated by Government Code sections 26520 and 27642. Sub-functions within teams are organized by either client agency or specific function, whichever is more efficient. Of the attorneys assigned to these teams, five are almost entirely funded by revenue from clients and seven are partially funded by revenue and partially funded through the General Fund. The remaining eight attorneys are assigned to General Fund departments and are funded through cost application when outside funds are available to those departments, or the costs are allocated through the County Wide Cost Allocation Plan (CWCAP). There is no “bright line” between advisory and litigation services. Advisory attorneys will litigate cases when it is determined to be in the client’s best interest. In recent years, advisory attorneys have collectively spent about 15% of their time on litigation.

Litigation Services: Litigation services are provided by the two General Litigation Teams, the

LPS/Probate Team and the Juvenile Dependency Team.

These teams provide centralized oversight for civil litigation activities of the County and the conduct of most of that litigation as mandated by Government Code sections 26521 and 27642. The Dependency Trial Team, the Dependency Appeals Team and the Probate Mental/Health Team provide specialized, mandated services to the County's Social Services Agency and the Public Administrator/Public Guardian. The General Litigation teams represent the County in all other litigation and supervise litigation that is assigned to outside counsel. Currently, the General Litigation Teams represent the County in matters involving potentially hundreds of millions of dollars and preservation of the health, welfare and safety of the County's citizens. Its attorneys appear before all courts from the Superior Court level to the United States Supreme Court. Attorneys assigned to litigation teams are also called upon to provide advisory services, particularly to the Assessor, the Public Administrator/Public Guardian, and the Social Services Agency.

Administrative Support Services: The primary function of the Administrative Support team is the provision of administrative and clerical support for County Counsel attorneys. Responsibilities include: direct secretarial support to the attorneys, law library support and resources, human resources functions, budget, records management, computer systems and network administration, accounting, safety, and purchasing. The Team is comprised of thirty-six support staff, including the administrative manager.

APPENDIX B. MANAGEMENT TEAM

EXECUTIVE MANAGEMENT

Benjamin P. de Mayo, County Counsel: Directly responsible to the Board of Supervisors for the overall management of the Office. Sets strategic priorities, determines major initiatives. Sits with and advises the Board of Supervisors, and works directly with the County Executive Officer in implementing County policies.

Donald H. Rubin, Chief Assistant County Counsel: Responsible to the County Counsel for the oversight and coordination of departmental operations and work of the Finance & Administration Division. Directs the efforts of the Finance & Administration Team and the department's Administrative Services Team. Responsible for several office-wide functions – Business Plan development, Continuing Education Program, staff training, and Quality Control Assurance Program. Assists the County Counsel in providing legal services to the Board of Supervisors and County Executive Officer.

Nicholas S. Chrisos, Senior Assistant County Counsel, Public Services, Development & Facilities Division: Responsible to the County Counsel, through the Chief Assistant County Counsel, for the oversight and coordination of the Public Services, Development & Facilities Division. Directs the efforts of the Development & Facilities Team, the Probate/Mental Health Team, the Dependency Trial Team, and the Dependency Appeals Team.

Deborah M. Gmeiner, Senior Assistant County Counsel, Litigation & Government Services Division: Responsible to the County Counsel, through the Chief Assistant County Counsel, for the oversight and coordination of the Litigation Division and Government Services Team. Directs the efforts of the two General Litigation Teams, and the Government Services Team. Overall coordinator of the outside counsel program.

Susan J. McMillan, Office Manager: Responsible directly to the Chief Assistant County Counsel for direction and oversight of office support staff, technical development, information and research resources, space utilization, human resources, information systems and network, safety, and procurement. Provides direct assistance to the County Counsel in the development and execution of the budget, business plan, strategic financial plan, and continuity plan.

ATTORNEY MANAGEMENT

Each of the Attorney Teams is headed by a Deputy County Counsel V, a management position. These managers carry their own caseloads, appear in court, have their own assigned clients and are expected to devote 20%-30% of their time to supervision and management.

FINANCE AND ADMINISTRATION DIVISION

Barbara Stocker	Finance and Administration Team
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PUBLIC SERVICES, DEVELOPMENT & FACILITIES DIVISION

Geoff Hunt	Development & Facilities Team
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Rachel M. Bavis	Juvenile Dependency Trials and Appeals Team
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James Harvey	Probate/Mental Health Team
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LITIGATION & GOVERNMENT SERVICES

James Persinger	General Litigation I
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Jeffrey M. Richard	General Litigation II
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Wanda S. Florence	Government Services
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ADMINISTRATIVE SUPPORT

DEBRA ARMIJO, Administrative Manager: Responsible directly to the Office Manager as backup and shared lead for administrative functions. Provides direct supervision and management of attorney support services.

SUPERVISORY SUPPORT

Geoff Ritz Eileen Blanton Patricia Owens Shalaine Aguayo

The Supervising Legal Secretaries report directly to the Administrative Manager and manage and supervise the staff who provide the direct support services to the attorneys.

APPENDIX C. LABOR MANAGEMENT COMMITTEES

County Counsel staff are members of two Labor Management Committees (LMC) as provided for by the separate Orange County Employees' Association (OCEA) and Orange County Attorneys' Association (OCAA) representation groups.

In addition, the Office has established several committees that include both OCEA and OCAA members. These committees are designed to proactively address issues that impact both Office support staff and attorneys. These committees engage employees in planning for the future. Several of the committees tackle complex professional issues such as managing outside counsel, improving office technology; litigation files management, and library and research resources. Other committees address issues such as alternative work schedules and attorney-staff relations. The outcome of all of these committees is better client services delivered by people who find their job professionally and personally satisfying.

APPENDIX D. BUSINESS PLAN TEAM

The principal sources of most of the ideas that went into the formulation of this plan are the attorney and support staff of County Counsel.

The technical authors for the 2006-2007 County Counsel Business Plan are:

Benjamin P. de Mayo, County Counsel
Donald H. Rubin, Chief Assistant County Counsel
Nicholas S. Chrisos, Senior Assistant County Counsel
Deborah M. Gmeiner, Senior Assistant County Counsel
Susan J. McMillan, Office Manager

Support assistance for this plan was provided by:

Norma Ruiz, Executive Secretary

APPENDIX E. ACCOMPLISHMENTS

County Counsel has achieved the following progress toward the key goals identified in the Office's 2005 Business Plan:

GOAL # 1: PROVIDE HIGHLY COMPETENT LEGAL ADVICE TO CLIENTS ON MATTERS RELATED TO THEIR PUBLIC DUTIES AND RESPONSIBILITIES IN THE ADMINISTRATION OF THE PUBLIC'S BUSINESS, IN ACCORDANCE WITH HIGH ETHICAL AND PROFESSIONAL STANDARDS.

Key Outcome Indicators:

Percentage of written opinions challenged in court or administrative proceedings: One written opinion was challenged.

Percentage of challenged opinions that are upheld: 100%

Examples of Additional Accomplishments for Goal # 1:

In addition to the general training offered through the Law Awareness Workshops, we have provided individualized training and legal advice to County departments on responding to subpoenas and public records requests (thus avoiding liability to the County for a failure to properly respond to a subpoena or public records request in a timely manner).

Assisted in creating a new Dana Point Harbor Department, and provided the Department with legal support for the ongoing Dana Point Harbor revitalization plan

Provided advice and legal support to the Integrated Waste Management Department on the FRB and Prima Deschecha landfills

Assisted Planning and RDMD departments in response to rock falls and mudslides related to last year's heavy rains, and aided in successful resolution of most legal problems without major controversy

Advised and supported the Flood Control District on various improvement and maintenance projects related to San Diego Creek, including review and advice on environmental documents, and successful defense of a lawsuit challenging the emergency capacity maintenance project.

Successfully challenged in the Court of Appeal a lower court ruling that would have allowed an owner of undeveloped residential property in the Foothill-Trabuco Specific Plan (FTSP) area to bypass the site development permit requirements of the FTSP

Coordinated the activities of RDMD staff, outside appraisers, consultants, and outside counsel in pursuing acquisition of properties necessary for the Prado Dam expansion project

Upheld in Federal Court the duty of the Clerk-Recorder to refuse to issue marriage licenses to same-sex couples

Continuation of the Law Awareness Workshop program:

SCHEDULED LAW AWARENESS WORKSHOP PROGRAMS FOR 2006:

DATE / TIME	TOPIC	LOCATION
Wednesday, March 22, 2006, 1:30 p.m.	Conflicts of Interest I; Political Reform Act & County Gift Ban Ordinance	Board of Supervisors Hearing Room
Wednesday, March 29, 2006, 1:30 p.m.	Land Use Law	Board of Supervisors Hearing Room
Wednesday, April 12, 2006, 1:30 p.m.	Creditor Claims by County in Bankruptcy Case	Board of Supervisors Hearing Room
Wednesday, May 3, 2006, 1:30 p.m.	Restraining Orders in Workplace Violence Cases	Board of Supervisors Hearing Room
Wednesday, May 17, 2006, 1:30 p.m.	You Have Been Subpoenaed to Testify as a Witness in a Trial. Now What?	Board of Supervisors Hearing Room
Wednesday, May 31, 2006, 1:30 p.m.	Privacy in E-mails	Board of Supervisors Hearing Room
Wednesday, June 21, 2006, 1:30 p.m.	Your Role as a County Official or Employee in Municipal Securities Disclosure	Board of Supervisors Hearing Room
Wednesday, July 12, 2006	Conflict of Interest II; Government Code Section 1090 and Miscellaneous Issues	Board of Supervisors Hearing Room
Wednesday, July 19, 2006, 1:30 p.m.	Principles of County Contracting	Board of Supervisors Hearing Room
Wednesday, August 9, 2006, 1:30 p.m.	False Claims in Construction Contracts	Board of Supervisors Hearing Room
Wednesday, September 13 2006, 1:30 p.m.	California Public Records Act	Board of Supervisors Hearing Room

Wednesday, September 27, 2006, 1:30 p.m.	What To Do When You Are Served with a Subpoena or Summons	Board of Supervisors Hearing Room
Wednesday, October 11, 2006, 1:30 p.m.	Purchasing Contracts	Board of Supervisors Hearing Room
Wednesday, October 25, 2006, 1:30 p.m.	The Brown Act	Board of Supervisors Hearing Room
Wednesday, November 15, 2006, 1:30 p.m.	Prevailing Wage Contracts	Board Hearing Room

TRAINING FOR CLIENT AGENCIES:

DATE	TOPIC	CLIENT
1/13/05	HIPAA Implementation and Q&A on Business Associates	County HIPAA Work Group
1/20/05	Juvenile Court Process	SSA/CFS
2/2/05	County Gift Ban Ordinance	County
2/3/05	Conflicts of Interest	Housing/Special Programs Division
2/9/05	Hot Legal Topics	SSA/CFS
2/11/05	Conflicts of Interest and Basic Land Use	Planning Advisory Board
2/16/05	Search Declarations	SSA/CFS
2/16/05	Adoptions	SSA/CFS
2/23/05	Mass Mailing Act	County
3/10/05	Criminal Prosecutions Under HIPAA; Inadvertent Disclosures	County HIPAA Work Group
3/11/05	Basic Death Investigations	Coroner
3/22/05	Dependency Drug Court	SSA/CFS
3/23/05	Public Records Act	County
3/31/05	Case Law and Legislative Update	SSA/CFS
4/7/05	Wrongful Use and Disclosure of Information Protected by HIPAA	County HIPAA Coordinators
4/13/05	Working with Legal Issues and County Counsel	County
4/13/05	Case Law and Legislative Update	SSA/CFS
4/14/05	Wrongful Use and Disclosure of Information Protected by HIPAA	County HIPAA Work Group
4/21/05	Brown Act	IHSS Advisory Committee
4/27/05	Conflicts of Interest Under the Political Reform Act	County
5/4/05	Basic Principles of County Purchasing Contracts	County
5/7/05	Caregiver Issues Impacting Children and Families	SSA/CFS
5/25/05	What to Do with a Subpoena or Summons	County
6/2/05	Indian Child Welfare Act	SSA/CFS

DATE	TOPIC	CLIENT
6/8/05	What to Do When Your Department is Involved in Litigation	County
6/8/05	Newborn Children with Dependent Siblings	SSA/CFS
6/9/05	Limitations on Criminal Prosecution (HIPAA)	County HIPAA Work Group
6/9/05	Grand Jury Overview	Grand Jury
6/27/05	Legal Issues Related to Mass Fatalities	Coroner
7/13/05	Bankruptcy Law	Treasurer-Tax Collector
7/15/05	New Employee Orientation	SSA/CFS
7/19/05	Software Contracts	Clerk of the Board
7/20/05	Bankruptcy Law	Treasurer-Tax Collector
7/21/05	Creditor's Claims	Public Administrator
7/22/05	Conflicts of Interest	Grand Jury
7/26/05	Subpoena Training	Sheriff
7/27/05	Bankruptcy Law	Treasurer-Tax Collector
8/2/05	Bankruptcy	Treasurer-Tax Collector
8/8/05	Jurisdiction and Confidentiality	Grand Jury
8/9/05	Bankruptcy	Treasurer-Tax Collector
8/11/05	HIPAA Civil Enforcement Rule	County HIPAA Work Group
8/16/05	Bankruptcy	Treasurer-Tax Collector
8/30/05	Examination of Public Guardian Witnesses	Public Guardian
9/8/05	Analysis of HIPAA; Selection of County Covered Components	County HIPAA Workgroup
9/9/05	Confidentiality of Personnel Records	Public Information Officers
9/14/05	Conflict of Interest II	County
9/21/05	Domestic Partnership Law; Organ Donor Registry; Assisted Suicide	Coroner
9/22/05	Predeceased Spouse Rule	Public Administrator
10/4/05	Basic Death Investigations	Coroner
10/5/05	Brown Act	County
10/6/05	HIPAA Business Associates	County HIPAA Coordinators
10/12/05	Structured Decision Making	SSA/CFS

DATE	TOPIC	CLIENT
10/12/05	Case Law and Legislative Update	SSA/CFS
10/13/05	Structured Decision Making	SSA/CFS
10-13-05	HIPAA Civil Enforcement Rule; Part II	County HIPAA Work Group
10/19/05	Substance Abuse	SSA/CFS
11/2/05	California Environmental Quality Act	County
11/2/05	Structural Decision Making	SSA/CFS
11/8/05	Monitored Visitation Training	SSA
11/10/05	HIPAA and Disasters	County HIPAA Work Group
12/7/05	How to Process Subpoenas	SSA
12/12/05	Structured Decision Making or New Employees	SSA/CFS

GOAL # 2: EFFECTIVELY PROSECUTE AND DEFEND CIVIL ACTIONS IN WHICH CLIENTS ARE INVOLVED.

Key Outcome Indicators:

Percentage of clients rating litigation support as satisfactory or better in terms of quality and responsiveness. 93% based on 2005 client surveys received.

Percentage of dependency cases upheld on appeal: Over 90%.

Percentage of mental health cases won or resolved with approval of client: Over 90%.

Percentage of general litigation cases won or resolved with approval of client:

Approximately 90 – 95%.

Examples of Additional Accomplishments for Goal #2:

Argued before the U. S. Court of Appeals for the Ninth Circuit, to defend a challenge to a recall election conducted by the Registrar of Voters in February 2003. The plaintiffs alleged the election was invalid, because the recall petitions were not printed in more than one language. Because the Ninth Circuit panel returned a decision adverse to the County's position; we have requested a further hearing before the Court "en banc". Several other states and public and private interest groups have filed briefs in support of the County's position.

In *Hafen v. County of Orange*, successfully appealed a Superior Court judgment which would have allowed an owner of undeveloped residential property in the Foothill-Trabuco Specific Plan (FTSP) area to bypass the site development permit requirements of the FTSP prior to rough grading of his land, thus vindicating the County's right to enforce the planning and land use requirements of the FTSP.

We are providing primary coordination and oversight of efforts to negotiate and document the acquisition of Green River Golf Course, while avoiding the need to file condemnation proceedings. Similarly, we have assisted the Flood District and RDMD staff in their efforts to achieve voluntary acquisitions of several other properties vital to the project.

In *Slocum v. State Board of Equalization*, we successfully defended Our Opinion No. 2002-077 relating to the legality of classifying lost business opportunity resulting from a catastrophic event.

Successfully defended \$2 Million + lawsuit regarding alleged misallocation of property tax revenue dating back to 1989.

Represented SSA in an action where a news organization filed a Welfare and Institutions Code section 827 petition requesting juvenile court records and internal child death review reports.

Although the presumption is in favor of release of records involving deceased children, the court was persuaded by our argument that releasing those reports without redacting certain information would have a chilling effect on further investigation of child deaths and limited the release of the information.

Bail collection has increased significantly during the last several years. From July 1, 2004 to June 30, 2005 our office collected \$3,449,761. For the first six months of the current fiscal year, we have collected an additional \$500,000. These collections have been the result of contested court proceedings in which our office represented the County. A significant portion of this money goes to the County and its law enforcement agencies. Additional funds are disbursed to other local law enforcement agencies and the courts.

GOAL # 3: DELIVER ALL LEGAL SERVICES TO CLIENTS AS EFFICIENTLY AND ECONOMICALLY AS POSSIBLE.

Key Outcome Indicators:

Percentage of clients rating advisory support as satisfactory in terms of timeliness, quality, and responsiveness as good or better: 98% based on 2005 survey results.
Percentage of clients rating advisory and litigation support as satisfactory in terms of timeliness, quality, and responsiveness as good or better: 96% based on 2005 survey results.
Percentage of clients' requests for legal advice/service responded to within 30 days: The number of opinion requests still outstanding after 30 days is approximately 20 requests, compared to a baseline of over 200 opinion requests still outstanding after 30 days in 1998. (This figure is 10 % of the 1998 baseline, and represents a 68% decrease in outstanding opinion requests since 2002.)

Examples of Additional Accomplishments for Goal #3:

Provided training to Coroner's Division on legal issues relating to mass fatality incidents and general legal issues relating to coroner functions, including certified training as part of the Commission on Peace Officers Standards and Training.

Provided legal support to Dana Point Harbor as part of the ongoing implementation of the Dana Point Harbor Revitalization Plan. This has included advice on business and legal issues and support in development and completion of the Environmental Impact Report on an expedited basis and assistance toward obtaining Coastal Commission approval.

Assisted with creation of new Dana Point Harbor Department and the final transition of the entire harbor from master leases to DPHD control. Currently providing legal assistance for the revitalization of the harbor.

Assisted with negotiations and preparation of the new management agreement for the west basin of the Dana Point Harbor.

Provided legal advice and support for IWMD in preparation of Environmental Impact Reports on Bowerman and Prima Deschecha landfills, to facilitate early completion of important waste management projects.

Advised the Flood, Watershed and Planning functions within RDMD and IWMD in response to the proposed Special Area Management Plan for the San Diego Creek Watershed, which includes most of central Orange County.

Advised RDMD/Flood control district on various improvement and maintenance projects related to San Diego Creek, including review and advice on environmental documents and successful defense of a lawsuit challenging the emergency capacity maintenance project.

Facilitated preparation and adoption of ordinances regulating body art, kennel noise and equestrian zoning.

Prepared documents and assisted Housing staff in loan closings for approximately \$1.9 million in loans for construction of affordable housing within Orange County.

We are in the process of standardizing the form of public works contract to be used by all County departments and County governed special districts, to ensure among other things that all such contracts contain the latest indemnification, termination for convenience and statutory provisions.

We are working with CEO/Risk Management about the correct language to be used on Insurance Endorsement forms when naming the County of Orange or one of its special districts as an additional insured.

Provided a four-session, nine-hour training program on bankruptcy for staff of the Tax Collector's office.

Provided a full day's legal training for Assessor employees.

Provided legal advice to SSA when drafting policies and procedures to increase their goal of best welfare practice, including creating a policy and procedure for the internal child death reviews and amending the grievance review process to comply with appellate ruling requiring review for reports to the Department of Justice's Child Abuse Central Index.

Continued to provide extensive, ongoing training for SSA personnel relating to dependency law and proceedings.

APPENDIX F. CASELOAD/CLIENT DATA

EXPERIENCE IN 2005:

Property tax bankruptcy litigation workload has increased. This trend is expected to continue.

Significant increase in bail bond related legal work, including litigation in the California Supreme Court and collection of revenues in excess of \$3 million (during the fiscal year ending June 30, 2005).

Increase in transactional work (other than formal opinion requests) in the areas of contract negotiation and drafting, review and preparation of agenda staff reports, and design of employee benefit plans.

SIGNIFICANT SERVICE ISSUES FOR 2006:

- The size and complexity of planned developments such as Rancho Mission Viejo and Irvine Company projects require substantial expertise in land use law and environmental litigation.
- The need for advisory services for the anticipated review and restructuring of the entire County purchasing system will continue to tax available advisory services.

The ever increasing Mental Health/Probate caseload cannot continue to be met with existing resources, and any diversion of attorney time from other practice areas (general litigation or advisory services) to Mental Health courtroom coverage would adversely affect this office's ability to render core legal services.

A high level of legal services continues to be required for tax litigation, particularly in the area of corporate bankruptcies.

Santa Ana River Project planning will continue with a high level of legal services required as condemnation of large business properties progresses.

If the State adopts a severely reduced budget, there will be increased demand for legal advice regarding the County's obligation to continue to deliver services when funding for such services is reduced. There will also be continued litigation against the State over funding issues (and possible litigation brought by others against the County challenging any service cuts).

Continuing demand for advice and transactional services related to the Dana Point Harbor revitalization.

Closed landfills will continue to present legal and strategic challenges for the County.

APPENDIX G. COUNTY COUNSEL MANDATES

1. To attend meetings of the Board of Supervisors, when required, and to attend and oppose all claims and accounts against the county he/she deems unjust and illegal [Gov't Code § 26526];
2. To render legal services, including legal opinions, to the County and all County officers [Gov't Code §§ 26520 and 27642 *et. seq.*];
3. To defend or prosecute all civil actions and proceedings in which the County or any of its officers is concerned or is a party in his or her official capacity, except where the County provides other counsel to defend an action or proceeding brought against an officer, employee or servant as provided in Part 7 (commencing with section 995) of Division 3.6 of Title 1 of the Government Code [Gov't Code § 26529];
4. To act as attorney for the Public Administrator in all estates in which he/she is executor, administrator with the will annexed, or administrator, where the Public Administrator has priority for appointment as established by law [Gov't Code § 27643 and Orange County Codified Ordinances Sec. 1-2-30];
5. To represent the County in mental health proceedings under Part 1 (commencing with section 5000) of Division 5 of the Welfare and Institutions Code [Gov't Code § 27646 and Orange County Codified Ordinances Sec. 1-2-30];
6. To represent the County's Social Services Agency in proceedings in which minors are adjudged dependent children of the Juvenile Court, including proceedings to terminate parental rights, when requested by a Juvenile Court judge [Welf. & Inst. Code § 318.5];
7. To prepare all legal papers and forms necessary for the voting of school bond issues within the County upon the request of any board of education, board of school trustees, or high school board, and to advise them in relation to school bond issues [Gov't Code § 26522];
8. Upon request of the Auditor or Treasurer, to defend or prosecute any action brought by or against the Auditor or Treasurer for the purpose of testing the validity or constitutionality of any act of the Legislature or of the Board of Supervisors or of any order providing for the payment of any funds held in the County treasury in those cases where the interest of the County is not adverse [Gov't Code § 26523];
9. Upon request of any Judge of the Superior Court, to appear and represent the Court or judge, if the Court or judge in his/her official capacity is a party defendant in any action [Gov't Code § 26524], to represent the Court in all matters and questions of law (where there is no conflict), and to represent a judge called as a witness in his official capacity [Gov't Code § 27647];
10. To prepare a ballot title and summary of a proposed County ballot measure [Elec. Code § 9105];
11. To prepare an impartial analysis for a County ballot measure [Elec. Code § 9160];

12. To serve as legal advisor to the Grand Jury with respect to civil matters [Penal Code § 934];
13. To discharge all duties vested by law in the District Attorney of the County other than those of a public prosecutor [Gov't Code §§ 26529 and 27642]; and
14. To appear and defend certification allegations in habeas corpus proceedings brought by persons involuntarily confined for treatment in private hospitals under the Lanterman-Petris-Short Act [Welf. & Inst. Code § 5000, *et. seq.*; *St. Joseph Hospital v. Kuyper*, 146 Cal. App. 3d 1 (1983)].

**THE PEOPLE OF THE OFFICE OF COUNTY COUNSEL
OUR MOST VALUABLE RESOURCE**

John H. Abbott
Julie J. Agin
Shalaine Aguayo
Paul Albarian
Debbie Armijo
Janine Barnes
Ryan Baron
Edgar Basallo
Rachel M. Bavis
Eileen Blanton
Janice Brownfield
Nicholas S. Chrisos
Karen Christensen
Andrea Collier
Debbie Cox
Robin Cseak
Angelica Castillo Daftary
Nikhil Daftary
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Naty Flores
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Jack W. Golden
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Thomas A. Miller
Alexandra G. Morgan
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Dana J. Stits
Barbara Larkin Stocker
Anna Strahan
Maria Strapp
Jeannie Su
Roy Torre
Daniel P. Torres
Debbie Torrez
Diem Tran
Sylvia Trujillo
James L. Turner
Marianne Van Riper
Loretta Vanzetti
Rosemarie Welton
Paula A. Whaley
Courtney Wucetich

